

From: [Alex Nelson](#)
To: [Ian Carleton](#); [Matt Pawa](#); [Emily J. Joselson](#)
Cc: [Goutman, Tom \(SHB\)](#); [Zachary M. York](#); [Devin McKnight](#); [Lisa B. Shelkrot](#); [Wes Kelman](#); [Kyle McGee Esq.](#); [MacKennan Graziano](#); [Wendy E. Radcliff](#); [Hansen, Steve \(SHB\)](#)
Subject: RE: Rubman et al v. Bayer AG et al, 2:22-cv-00181-wks Subpoena and PRA Request to BSD
Date: Thursday, December 8, 2022 10:17:00 AM
Attachments: [2022-12-08 Defendants' Search Terms Re Priority Requests \(00493160xE4196\).pdf](#)

Hi Matt,

Attached are proposed search terms for the BSD subpoena.

Please let me know if you have any questions.

Best,

Alex

From: Ian Carleton <icarleton@sheeheyvt.com>
Sent: Wednesday, November 30, 2022 9:32 AM
To: Matt Pawa <MPawa@seegerweiss.com>; Emily J. Joselson <EJoselson@langrock.com>
Cc: Goutman, Tom (SHB) <tgoutman@shb.com>; Alex Nelson <Anelson@sheeheyvt.com>; Zachary M. York <zyork@sheeheyvt.com>; Devin McKnight <DMcKnight@sheeheyvt.com>; Lisa B. Shelkrot <LShelkrot@langrock.com>; Wes Kelman <WKelman@seegerweiss.com>; Kyle McGee Esq. <kmcgee@gelaw.com>; MacKennan Graziano <MGraziano@SeegerWeiss.com>; Wendy E. Radcliff <WRadcliff@langrock.com>; Hansen, Steve (SHB) <sihansen@shb.com>
Subject: RE: Rubman et al v. Bayer AG et al, 2:22-cv-00181-wks Subpoena and PRA Request to BSD

Hi Matt,

I believe 330 tomorrow works on our side, but we also need to keep an eye on the clock given BSD's statements about commencing demolition in January. In order to make tomorrow's Zoom as productive as possible, can you give us a quick update on your progress in collecting the reduced set of documents we requested? It would be helpful to go into tomorrow's meeting with some idea of where we need to focus our attention.

Per your email Monday requesting search terms for ESI, we are working to get you a list as soon as possible.

Thanks,

Ian P. Carleton
SHEEHEY FURLONG & BEHM P.C.
30 Main Street, 6th Floor
PO Box 66
Burlington, VT 05402-0066
(802) 734-0609 (Mobile)
(802) 864-9891 (Office Main)

EXHIBIT E

Burlington School District Subpoena – Proposed Search Terms For Priority Requests

Priority Requests: 1-5, 7-17, 22-24, 32-33, 35-37, 42-45, 48-52, 54-55, 61-62, 64-65, and 67.

Request Nos. 1 and 2:

(Burlington OR BHS) **AND** (PCB* OR “polychlorinated biphenyl*” OR Aroclor OR Arochlor OR environment* OR hazardous OR waste) **AND** (“Building Construction Oversight Committee” OR “BCOC” OR “Agency of Education” OR (Department w/3 “Environmental Conservation”) OR (Department w/3 Health) OR (Department w/3 “Public Service”) OR “DPS” OR “Environmental Protection Agency” OR “EPA”)

Request Nos. 3, 4, 16, 22, 37, 44:

(Burlington OR BHS) **AND** (“Air Quality” OR IAQ OR surface OR wipe OR wiping OR “bulk sampl*” OR test* OR analysis or analyze OR locat*) **AND** (PCB* OR “polychlorinated biphenyl*” OR Aroclor OR Arochlor OR “carbon dioxide” OR “CO2” OR asbestos OR mold OR “carbon monoxide” OR dioxin* OR furan* OR lead OR mercury OR polyfluoroalkyl OR contaminant* or chemical* OR hazard* OR dust*)

Request No. 5:

(PCB* OR “polychlorinated biphenyl*” OR Aroclor OR Arochlor) **AND** (“School Screening” OR “Action Levels”)

Request Nos. 7 and 8:

- Date limitation: On or after January 1, 2001
- Request No. 7 calls for a targeted collection of meeting minutes and audio recording of same, in addition to an ESI search to capture documents and communications regarding these meeting minutes.

(Burlington OR BHS) w/500 (condition* OR renovat* OR replac* OR remdiat* OR demolish* OR retrofit* or replace* OR maintain* OR maintenance OR “Florescent Light Ballast” OR “FLB” OR Ballast OR capacitor*)

Request No. 9:

- This request calls for a targeted collection of architectural and engineering plans for the construction at the BHS Property and architectural and engineering plans for remediation, remodeling, and/or maintenance at the BHS property, in addition to an ESI search to capture documents and communications regarding such plans.

(Burlington OR BHS) **AND** ((architecture* OR engineer*) w/15 (plan* OR blueprint*))

Request Nos. 10, 12, 13:

(Burlington OR BHS) **AND** (contractor* OR engineer* OR consult*) **AND** (construct* OR remediates* OR renovates* OR test* OR maintain* OR maintenance OR (request w/3 proposal) OR RFP OR test* OR PCB* OR “polychlorinated biphenyl*” OR Aroclor OR Arochlor OR environment* OR hazardous OR waste)

Request No. 11:

(Burlington OR BHS) **AND** (contract* OR agree*) **AND** (investigate* OR remediates* OR assess*)

Request Nos. 14 and 15:

- These requests call for a targeted collection of documents that concern workers’ compensation or claims filed by BHS occupants (Request No. 14) and OSHA reports or investigations (Request 15).

(Burlington OR BHS OR Rubman OR Lothian) **AND** (“workers’ comp*” OR “workers comp*” OR “worker’s comp*” OR claim* OR injure* OR damage* OR lawsuit* OR suit* OR OSHA OR (“Occupational Safety” w/3 Health Administration) OR NIOSH)

Request No. 17:

- This request calls for a targeted collection of any responsive audio/visual recordings.

(Burlington OR BHS) **AND** (photo* OR video* OR audio* OR visual* OR record*) **AND** (teacher* OR official* OR administrator* OR employee* OR contractor*)

Request No. 23:

(Burlington OR BHS) **AND** (PCB* OR “polychlorinated biphenyl*” OR Aroclor OR Arochlor) **AND** (laboratory* OR lab* OR “Pace Analytical” OR (Con w/3 Test) OR “Analytical Laboratory”)

Request No. 32:

(Burlington OR BHS) **AND** (appraise* OR value* OR assess*)

Request No. 33:

(Burlington OR BHS) **AND** (cost* or expense* OR option*) **AND** (renovates* OR replaces* OR remediates* OR demolishes* OR “School Action Level”)

Request Nos. 35, 36:

(Burlington OR BHS) **AND** (complain* OR report* OR ill* OR sick* OR symptom*) **AND** (air OR environment* OR condition*)

Request 42:

(Burlington OR BHS) **AND** (Contractor OR Construction OR Remodel* OR Renovat* OR Retrofit*)

Request 43:

- This request lends itself to a targeted collection of annual school district budgets.

Request 45:

(Burlington OR BHS) **AND** (Test* OR Procedure* OR Plan OR Protocol) **AND** (IAQ OR “Air Quality” OR Surface OR Wipe OR Bulk OR “Pace Analytical” OR (laborator* OR lab* OR “Pace Analytical” OR (Con w/3 Test) OR “Analytical Laboratory”))

Request 48:

- This request lends itself to a targeted collection of BHS property assets.

Request 49:

(Burlington OR BHS) **AND** (Test* OR maintain* OR Maintenance* OR Service OR Work) **AND** (HVAC OR Heating OR “Air Condition*” OR Ventilation OR Furnace OR “AC”)

Request 50:

(Burlington OR BHS) **AND** (Test* OR Maintenance* OR Service OR Work) **AND** (“Florescent Light Ballast” OR FLB OR Capacitor OR Ballast)

Request 51:

(Burlington OR BHS) **AND** (Dispos* OR Remed* OR Waste OR Hazard*) **AND** (“Florescent Light Ballast” OR FLB OR Capacitor OR Ballast OR PCB OR Asbestos OR 7-202)

Request 52:

(Burlington OR BHS) **AND** (Retrofit OR “Energy Efficiency” OR (Window w/3 replacement) OR (Door w/3 replacement))

Request 54:

(Burlington OR BHS) **AND** ((Inspection w/5 City) OR (Inspection w/5 fire))

Request 55:

- This Request also calls for the targeted collection of personnel files, workers compensation claims, personal injury claims and information related to the specific location of their workspace, office, and/or classroom on BHS property.

(Burlington OR BHS) **AND** (Rubman OR Lothian)

Request 61:

(Burlington OR BHS) **AND** (Test* OR Inspect*) **AND** (Asbestos OR “Asbestos Hazardous Response Act”)

Request 62:

- This Request calls for a targeted collection of all blueprints of the BHS property (hard copy or electronic).

Request 64:

(Burlington OR BHS) **AND** (Insurance w/10 claim) **AND** ((Environ* w/5 Health) OR “Indoor Air Quality” OR IAQ OR “Air Quality”)

Request 65:

(Burlington OR BHS) **AND** (“Environmental Protection Agency” OR EPA) **AND** (“Best Management Practice*” OR BMP) **AND** (PCB* OR “polychlorinated biphenyl*” OR Aroclor OR Arochlor)

Request 67:

(Burlington OR BHS) **AND** (((ANSI OR ASHRAE OR ACCA) w/5 “Standard 180”) OR ((ANSI OR ACCA) w/5 “Standard 6”)))